



Glenine
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert R. Corbin

May 16, 1980

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ARIZONA ATTORNEY GENERAL

INTERAGENCY

The Honorable Jim Skelly
Arizona State Representative
House Wing, State Capitol
1700 West Washington
Phoenix, AZ 85007

Re: I80-088 (R80-093)

Dear Representative Skelly:

Recently you asked this office whether it is permissible to circulate initiative petitions at polling places on election days and, if so, are there any limitations that can be placed on this activity.

We can conceive of no compelling state interest that would prohibit the circulation of initiative petitions, an exercise of First Amendment rights, on election day. However, as in the case of any constitutional liberty, it cannot be exercised unfettered by reasonable restrictions. A.R.S. § 16-515 reads as follows:

§ 16-515. "Fifty-foot limit" notices; posting;
violation; classification

A. The board of supervisors shall furnish with the ballots for each polling place, three notices, printed on cloth, muslin or waterproof paper in letters not less than two inches high, reading "Fifty-foot limit" and underneath that heading the following:

"No person shall be allowed to remain inside these limits while the polls are open, except for the purpose of voting, and except the election officials, on representative at any one time of each political party represented on the ballot who has been appointed by the county chairman of such political party, and the challengers allowed by law. Voters having cast their ballots shall at once retire without the fifty-foot limit. A person violating any provision of this notice is guilty of a class 2 misdemeanor."

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B. Any person violating any provision of the fifty-foot limit notice is guilty of a class 2 misdemeanor.

Given the prohibition contained in A.R.S. § 16-515, we hold that initiative petitions may be circulated, at the polls, outside the fifty-foot limit.

Sincerely,

A handwritten signature in cursive script, reading "Bob Corbin".

BOB CORBIN
Attorney General

BC:LPS:lfc